

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO. 5:97-CR-94-6H

MICHAEL SCOTT MCRAE,)
Petitioner,)
v.)
UNITED STATES OF AMERICA,)
Respondent.)

ORDER

This matter is before the court on another round of motions and letters that petitioner has filed with this court seeking various types of relief from his judgment. A review of these motions reveals that all the motions seek to have petitioner's sentence reduced and/or vacated for various reasons, including drug quantity issues and alleged jurisdictional errors.

The court has reviewed these motions and letters and once again finds that these matters have already been considered and rejected or could have been raised on direct appeal and cannot now be asserted in collateral proceedings. Stone v. Powell, 428 U.S. 465, 477 (1976).

To the extent any of the claims could be construed as raising issues that are not procedurally defaulted, such claims need to be raised, if at all, in a motion to vacate pursuant to 28 U.S.C. § 2255. Because petitioner has already filed a § 2255 motion, he is barred from bringing another § 2255 motion in this court absent certification by a panel of the Fourth Circuit Court of Appeals in accordance with 28 U.S.C. § 2255(h).

For the foregoing reasons, petitioner's motions [#593, #594 and #599] are DENIED.

This 15th day of October 2013.



Malcolm J. Howard
Senior United States District Judge

At Greenville, NC
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